



**US Army Corps
of Engineers®**

Nashville District

Public Notice

Public Notice No. 03-100

Date: December 19, 2003

Application No. 990015960

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214

JOINT PUBLIC NOTICE
US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF TENNESSEE

SUBJECT: Proposed Commercial Sand and Gravel Dredging in the Nolichucky River, Greene County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit (DA) pursuant to **Section 10 of the Rivers and Harbors Act of 1899**. The proposed return water discharge to the river from the upland dredged material processing area has been previously authorized for the purposes of Section 404 of the Clean Water Act under the authority of Nationwide Permit No. 16. Other required approvals requested are from the Tennessee Valley Authority (TVA) pursuant to its ownership of land adjacent to Davy Crockett Lake and from the Tennessee Department of Environment and Conservation, Division of Water Pollution Control-Mining Section (TDWPC) pursuant to its Aquatic Resource Alteration Permit (ARAP) program and the National Pollutant Discharge Elimination System (NPDES).

APPLICANT: Nolichucky Sand Company, Inc.

LOCATION: Between Nolichucky River Miles 49.0 and 51.0 (within Davy Crockett Lake), Greene County, Tennessee

DESCRIPTION: The requested DA permit approval would authorize continued dredging within the previously-permitted reach between River Miles 49.0 and 50.3 (location of Bird Bridge) and proposed additional dredging between River Miles 50.3 and 51.0. The DA permit for the reach between River Miles 49.0 and 50.3 was issued on September 20, 1999 and is due to expire on September 30, 2004. Dredging under the previously-issued permit ceased in the early fall of 2003. Previously-permitted dredging will not resume and the proposed additional dredging will not start until a sediment retention pond for treating the return water discharge to the river from the upland dredged material processing area is approved. The required approval is the issuance of a NPDES permit by the TDWPC.

DA File No. 990015960

The proposed work consists of dredging sand and gravel between River Miles 49.0 and 51.0 with a **no dredge** zone within 500 feet both upstream and downstream from Bird Bridge to ensure protection of the structural integrity of the bridge. The estimated production is 200,000 tons per year. There is an estimated 15,000 to 25,000 tons of material in the previously-permitted river reach and one to two million tons of material in the proposed additional reach, upstream of Bird Bridge. Dredging would be conducted using a suction dredge system (with eight-inch intake and discharge line) mounted on a floating barge measuring approximately 11.5 feet wide and 33.0 feet long. Dredged material would be pumped to an existing upland processing area on the south side of the river (authorized by the previously-issued DA permit). Water carrying material to this area would be returned to the river via piping from two dewatering wheels to a sediment retention pond, then through an outfall discharge pipe. An existing and previously-approved ramp would continue to be used for “launch and take out” of the dredge. An existing and previously-approved site for an on-land booster pump would also continue to be used. The requested permit would authorize dredging for a five-year period. Dredging would not be conducted within the time frame proclaimed annually in August by the Tennessee Wildlife Resources Commission, which excludes public access within the Nolichucky Waterfowl Refuge during late fall and winter months. Dredging would occur approximately 10 hours per day, Monday through Friday, with occasional dredging on Saturdays. The dredged and processed material sold commercially and primarily used in road construction as an asphalt component.

A map showing the location of the previously-permitted dredge area, the proposed additional dredge area, the upland material processing area, and the on-land booster pump site is included with this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of

Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

A joint Environmental Assessment (JEA) was prepared by TVA and the US Army Corps of Engineers for previously-permitted dredging. A supplement to the JEA will be prepared with TVA being the lead agency prior to a final decision concerning issuance or denial of the requested DA permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

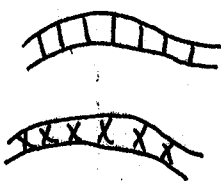
Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. An ARAP from the TDWPC.
- b. A point source discharge permit from the TDWPC under the NPDES.
- c. A land use license from TVA related to its ownership of land adjacent to Davy Crockett Lake.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before January 21, 2004 will become a part of the record and will be considered in the determination. Any response to this notice should be
DA File No. 990015960
PN No. 03-100

directed to the Regulatory Branch, Attention: K, Wade Whittinghill, at the above address, telephone (615) 369-7511. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal.



Location of Previously-Permitted Dredging

Location of Proposed Additional Dredging

● Location of Upland Material Processing Area

● Location of On-land Booster Pump

